

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-20349

VALENTINE I. BALOGUN,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION IN LIMINE

Pending before the court is Defendant's "Motion in Limine" asking the court to rule that certain evidence is inadmissible. First, Defendant asks the court to rule that evidence of marijuana allegedly found in Defendant's house is inadmissible. The United States indicated that it will not seek admission of the evidence under Federal Rule of Evidence 404(b), but it may use the evidence to impeach Defendant should he testify that no drugs were in his home. The court will therefore deny as moot Defendant's motion on this point but will revisit the issue of the evidence's admissibility in the event that Defendant testifies and the United States seeks to impeach Defendant with the marijuana evidence. Second, Defendant asks the court to prohibit government agents from testifying to the similarity between Defendant's signature and the signature found on certain packages allegedly delivered to Defendant. The United States indicated that it will offer no such testimony. The court will therefore deny as moot Defendant's motion on this point. Third, Defendant asks the court to rule that evidence of certain deliveries allegedly made to Defendant is inadmissible. For the reasons stated on the record, the

evidence is admissible as proof of the alleged course of conduct alleged by the United States in Count One of the Indictment. Accordingly,

IT IS ORDERED that Defendant's "Motion in Limine" [Dkt. # 20] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 21, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 21, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522